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MUNICIPAL ORDINANCES, RULES, AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

KANSAS CITY, MO.

Milk and Milk Products—Production, Care, and Sale. (Ord. 23,314, July 17, 1915.)

SECTION 1. (a) *Milk*, as referred to in this ordinance, is hereby defined to be the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows which are properly fed and kept, excluding that obtained within 15 days before and 10 days after calving, and which contains not less than 8½ per cent of solids not fat, and not less than 3½ per cent of milk fat.

(b) *Cream*, as referred to in this ordinance, is hereby defined to be that portion of milk rich in fat which rises to the surface of milk on standing or is separated from it by centrifugal force, is fresh and clean, and which contains not less than 18 per cent of milk fat.

(c) No cream shall be sold or offered or exposed for sale or delivered or offered for delivery which does not conform to the foregoing standard, unless the cap, tag, or label on the container thereof shall have plainly printed thereon the words "under standard," together with the percentage of milk fat contained in such cream, and no cream shall be sold or offered for sale or delivered or offered for delivery as double cream or special or extra cream, or with any other designation indicating a higher percentage of milk fat than is required in the foregoing paragraph (b) unless the cap, tag, or label on the container thereof shall also show along with such designation a true statement of the percentage of milk fat contained in such cream.

(d) *Skimmed milk*, as referred to in this ordinance, is milk from which a part or all of the cream has been removed and which contains not less than 9¼ per cent of milk solids and not less than 8½ per cent of milk solids not fat.

Skimmed milk shall not be sold, offered, or exposed for sale or delivered or offered for delivery within the limits of Kansas City, except as such, and all caps, tags, labels, and brands on containers of skimmed milk shall, in addition to the requirements of section 5 of this ordinance, have the words "skimmed milk" plainly printed thereon.

(e) *Buttermilk*, as referred to in this ordinance, is the product that remains when butter is removed from milk or cream in the process of churning.

No person, firm, or corporation shall sell or offer or expose for sale, or have in possession for sale, or deliver or offer to deliver for domestic or potable use any buttermilk containing any coli bacilli or other pathogenic bacteria or disease germs, or which contains evidence of having been contaminated by filth, or which does not show on the cap, tag, or label on or attached to the container thereof the name of the dairy, dairy farm, or milk plant in which same was put into such container.

(f) *Pasteurization*, as referred to in this ordinance, is the holding of milk or cream for a period of not less than 20 minutes and not more than 30 minutes at a temperature automatically timed, regulated, and recorded during the entire pasteurization process of not less than 140° and not more than 145° F., and the rapid cooling of same immediately thereafter to a temperature of not more than 50° F.

No pasteurized milk or cream shall be sold or delivered or offered for sale or delivery after 24 hours from time of pasteurization.

(g) *Adulterated milk or cream.*—Milk or cream shall be deemed to be adulterated within the meaning of this ordinance:

1. If any substance or substances have been mixed with it so as to lower or depreciate or injuriously affect its strength, quality, or purity.
2. If any substance or substances have been substituted wholly or in part for such milk or cream.
3. If it is mixed or colored in a manner whereby damage or inferiority is concealed, or if by any means it is made to appear to be better or of greater value than it really is.
4. If it contains any added substance which is poisonous or injurious to health.
5. If it consists wholly or in part of diseased, filthy, decomposed, putrid, infected, tainted, or rotten animal or vegetable substance, or if it is the product of a diseased animal.
6. If it has been in any manner treated with any antiseptic or chemical preservative or dyestuff whatsoever whose use and apparent purpose is to mask decomposition or to give such milk or cream a false appearance of freshness or quality.
7. If it is drawn or produced from cows fed on unhealthy or unwholesome food or on waste, slops, refuse, leavings, or residue of any nature or kind from distilleries, breweries, or vinegar factories, or on food in a state of putrefaction, or from cows diseased in any way.

(h) *Unwholesome milk or cream.*—Milk or cream taken from any animal having tuberculosis, garget, or other contagious or infectious disease, or from any animal afflicted with any ulcer, lump jaw, abscess, or running sore, or from any animal within 15 days before or 10 days after parturition, or from any animal that has been fed on any refuse from distilleries, glucose or starch factories, or other waste and refuse products, or upon any feed in a rotten or unwholesome state, or which contains any bacilli coli communis or other pathogenic bacilli or bacteria or disease germs, or which has been pasteurized more than once, shall be deemed to be unwholesome within the meaning of this ordinance.

Nothing in this section contained shall be construed as exempting or excluding from the prohibitions of section 2 of this ordinance any milk or cream which is in fact unclean, impure, adulterated, or unwholesome, whether in this section expressly defined as such or not.

(i) *A dairy or dairy farm* is any place or premises where one or more cows are kept or milked the milk or cream from which is sold or intended or offered for sale or had in possession for sale to others than the original owners thereof.

(j) *A milk plant* is any place, plant, or premises, or establishment other than a dairy or dairy farm where milk or cream is collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution. A city milk plant is a milk plant located within the limits of Kansas City.

SEC. 2. No person, firm, or corporation shall, within the limits of Kansas City, produce, sell, offer, or expose for sale, or have in his, their, or its possession, with intent to sell, any milk or cream which is adulterated within the meaning of this ordinance or cause or procure the same to be done by others; and no person, firm, or corporation shall sell or have in possession for sale, or offer or expose for sale anywhere in Kansas City, or deliver to another, for domestic or potable use, any unclean, impure, adulterated, or unwholesome milk or cream, or milk from which has been held back what is commonly known as strippings.

SEC. 3. No person, firm, or corporation shall, within the limits of Kansas City, sell or offer or expose for sale, or have in possession for sale, or deliver or attempt to deliver to another, for domestic or potable use (or shall so sell, offer or expose for sale, have in possession, or deliver under such conditions or in such place that it is apparently intended for such use, or may be so used), any milk or cream, unless such milk and cream then and there conforms to the requirements of one of the grades or classes of

milk or cream hereinafter in this section defined. Domestic use, as the words are used or referred to anywhere in this ordinance, shall be understood and construed to include the use in any restaurant, café, hotel, boarding house, bakery or confectionery, or ice-cream factory.

Such definition shall in each instance be understood to include the requirement that the milk or cream, respectively, in such grade or class, is not adulterated or unwholesome as hereinbefore defined, and that such milk or cream conforms to the requirements of the laws of the State of Missouri and of the United States for the time being.

(a) *Certified milk or cream* is milk or cream which is certified by the medical milk commission of the Jackson County Medical Society of Jackson County, Mo., to have been produced, handled, and distributed under the supervision of said commission and in conformity with its requirements as laid down by it for certified milk, and which milk or cream in no respect falls below the requirements for grade "A" raw milk, as in this ordinance defined.

(b) 1. *Grade "A" raw milk* is milk not adulterated or unwholesome as hereinbefore provided, to which nothing has been added and from which nothing has been taken, produced in dairies which upon an inspection as provided for in this ordinance or any ordinance amendatory thereof, scores not less than 75 according to the score card No. 1 (hereinafter in section 18 set forth), of which score not less than 25 shall be on the equipment side and not less than 50 on the methods side, and which milk has a bacterial count of not to exceed 100,000 bacteria to the cubic centimeter.

Milk in this grade shall, immediately upon being drawn from the cow, be cooled to a temperature of not higher than 50° F., and shall within one hour after the completion of milking be put and kept in the closed final container.

2. *Grade "A" pasteurized milk* is grade "A" raw milk as hereinbefore defined, which has been pasteurized and which has a bacterial count after pasteurization of not more than 50,000 bacteria to the cubic centimeter, and which has an acidity not greater than such that 25 cubic centimeters thereof shall be neutralized by 5½ cubic centimeters of decinormal alkali solution, using phenolphthalein as an indicator.

3. Pasteurizing and bottling milk plants in which grade "A" milk or cream is handled, pasteurized or bottled, shall upon inspection as provided in section 18 of this ordinance, score not less than 75 of which score not less than 25 shall be on the equipment side, and not less than 50 on the method side.

4. *Grade "A" cream* is cream obtained from grade "A" milk.

(c) 1. *Grade "B" raw milk* is milk not adulterated or unwholesome as hereinbefore defined, to which nothing has been added, produced in dairies which upon an inspection as provided in this ordinance or any ordinance amendatory thereof, score not less than 60 according to said score card No. 1, of which score not less than 20 shall be on the equipment side and not less than 40 on the methods side, and which milk has a bacterial count of not to exceed 300,000 bacteria to the cubic centimeter.

2. *Grade "B" pasteurized milk* is grade "B" raw milk as hereinbefore defined, which has been pasteurized and which has a bacterial count after pasteurization of not more than 100,000 bacteria to the cubic centimeter, and which has an acidity not greater than such that 25 cubic centimeters thereof shall be neutralized by 7 cubic centimeters of decinormal alkali solution using phenolphthalein as an indicator.

3. *Grade "B" raw milk* when not bottled on the dairy farm producing it and grade "B" pasteurized milk when not pasteurized on the dairy farm producing it shall be handled and bottled or pasteurized as the case may be only in milk plants which upon inspection as provided for in section 18 of this ordinance, score not less than 75 according to score card No. 2 shown in said section, of which score not less than 25 shall be on the equipment side, and not less than 50 shall be on the methods side.

4. *Grade "B" cream* is cream as hereinbefore defined obtained from grade "B" milk.

(d) 1. *Grade "C" milk* is milk not adulterated or unwholesome as hereinbefore defined which is so produced and handled that it shall not when pasteurized be injurious to health or the cause (or capable of being the cause) of disease or the spread of disease but which in quality and in the condition under which it is produced or handled falls below the requirements of this ordinance for grade "A" milk or grade "B" milk.

2. *Grade "C" cream* is cream as hereinbefore defined, obtained from grade "C" milk.

3. No person, firm, or corporation shall, within the limits of Kansas City, sell or offer or expose for sale, or have in possession for sale, or deliver, or attempt to deliver for potable or domestic use, any grade "C" milk or grade "C" cream unless the same shall have been pasteurized.

(e) All milk intended for sale, delivery, or use within the limits of Kansas City as grade "A" milk or grade "B" milk, immediately upon being drawn from the cow, and all cream intended for such sale, delivery, or use as grade "A" or grade "B" cream immediately after its separation from the milk shall be cooled to a temperature of not more than 50 degrees Fahrenheit nor below the freezing point, and shall thereafter be kept at such temperature continuously until delivered to the consumer (except pasteurized milk or cream during the process of pasteurizing only); and the actual sale or delivery of milk or cream within the limits of Kansas City as grade "A" milk or cream, or as grade "B" milk or cream, shall be conclusive proof that such milk or cream was so intended for sale, delivery, or use.

(f) No cream or ice cream shall be sold, or offered or exposed for sale, or had in possession for sale, or delivered or offered for delivery, for domestic or potable use, or for human consumption as such, which contains any pathogenic germs or which has a bacterial count of more than three times that permitted by this ordinance to be or exist in the grade of milk from which same was obtained or manufactured.

SEC. 4. (a) Every milk plant within the limits of Kansas City shall be subject to the inspection of the board of hospital and health of Kansas City, Mo., and to the lawful rules and regulations of said board in accordance with the charter and ordinances of Kansas City; and all apparatus and methods used in pasteurizing, bottling, processing, or handling of milk or cream in any such plant shall at all times be subject to the regulation, control, and approval of this board.

(b) Said board by its inspectors or other representatives is hereby authorized to inspect any milk plant outside the limits of Kansas City, upon consent thereto by the owner or person in charge thereof.

(c) No person, firm, or corporation shall, within the limits of Kansas City, sell, or offer, or expose for sale, or have in possession for sale, or deliver or attempt to deliver, for potable or domestic use, any milk or cream which has been handled, pasteurized, or bottled by any such milk plant, whether within or without the limits of Kansas City, unless such milk plant upon inspection and scoring by the said board or its representatives as provided in section 18 hereof, shall score not less than 75 according to score card No. 2, as shown in said section, of which score not less than 25 shall be on the equipment side and not less than 50 shall be on the methods side.

(d) No milk plant shall be operated or maintained, or milk or cream therefrom sold or delivered for potable or domestic use within the limits of Kansas City which plant upon such inspection shall fall below such score as prescribed in the last preceding paragraph. Each day that the provisions of this paragraph are violated shall constitute a separate offense.

SEC. 5. (a) All bottles containing milk or cream for sale or delivery within the limits of Kansas City shall be tightly closed with caps plainly marked with the designation of the grade (as hereinbefore defined) of the milk or cream contained therein, together with the name of the person, firm, or corporation distributing same.

(b) In the case of grade "A" raw milk such caps shall also show the name of the dairy or dairyman producing same, or some other name or mark approved by said board of hospital and health identifying such producer; but this shall not relieve the distributor from any liability which may arise under this ordinance.

(c) In the case of pasteurized milk or cream of any grade such caps shall also have the word "pasteurized" plainly printed thereon, and shall also show the day of the week on which said milk or cream was pasteurized.

Cans or containers other than bottles used for the vending or delivery of milk or cream within the limits of Kansas City shall have securely fixed thereto tags upon which shall be printed in legible type the same information in respect to the contents of such containers as is hereinbefore in this section required to be shown on the caps of bottles containing milk or cream.

All caps and tags respecting grade "A" milk or cream shall be white with black lettering.

All such caps and tags respecting grade "B" milk or cream shall be white with bright green lettering.

All such caps and tags respecting grade "C" milk or cream shall be white with red lettering.

The board of hospital and health shall adopt and prescribe a uniform style of caps and tags in conformity with the requirements of this ordinance, and thereafter all caps and tags used shall be of the style so prescribed.

SEC. 6. No person, firm, or corporation shall within the limits of Kansas City sell or offer or expose for sale, or have in possession for sale, or deliver or attempt to deliver any milk or cream, unless the bottle, can, or other container in which such milk or cream is contained shall be at the time plainly labeled, tagged, or branded with a cap, label, tag, or brand, as required in the last preceding section, in accordance with the true quality, character, and history of the milk or cream so contained.

SEC. 7. Milk or cream shall be deemed to be misbranded within the meaning of this ordinance when the package, can, bottle, or other container containing same, or any cap, label, or tag attached thereto, shall bear any statement, design, mark, or device regarding the milk or cream so contained in such package, can, bottle, or other container, which is false or misleading in any particular; or when any milk or cream shall be falsely branded or labeled, or false representations are made concerning same, as to the place where, or the breed or character of the cows from which, or the person by whom such milk or cream was produced, obtained, handled, or supplied.

Any label, brand, or device, and any oral or written or printed representation, signifying or indicating that the milk or cream in any bottle, can, or other container upon which such label, brand, or device appears, or concerning which such representation is made, or in any dairy, milk plant, store, or vehicle where such milk or cream is sold, handled, had in possession, or delivered or offered for delivery or for sale has been certified, approved, or recommended by any commission, organization, or official when in fact such milk or cream has not been so certified, approved, or recommended, shall be deemed and shall constitute a misbranding within the meaning of this ordinance. The words "milk or cream," as used in this section or in sections 8, 9, 10, 11, 13a, 14, 15, 26, 27, or 28 of this ordinance, shall be understood and construed as including buttermilk, skimmed milk, and ice cream.

SEC. 8. No person, firm, or corporation shall, within the limits of Kansas City, sell, or offer or expose for sale, or have in possession with intent to sell, any milk or cream which is misbranded within the meaning of this ordinance, or cause or procure same to be done by others.

SEC. 9. No person, firm, or corporation shall willfully cause any milk or cream to be misbranded within the meaning of this ordinance; and no person, firm, or corporation shall alter, deface, erase, or remove any label, cap, mark, tag, or brand provided for by this ordinance with intent to mislead or deceive, or with intent to

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violate any of the provisions of this ordinance, or cause or procure same to be done by others.

SEC. 10. No milk or cream of any of the grades defined in this ordinance shall be sold or offered or exposed for sale, or had in possession for sale, or delivered or offered for delivery for human consumption in any bottle, can, or other container unless and until such bottle, can, or other container shall have been sterilized and kept sterile until receiving such milk or cream; and except for containers of grade "C" milk or cream, such sterilization shall be by heat.

SEC. 11. No person, firm, or corporation within the limits of Kansas City shall use any bottle, can, or other receptacle in which milk or cream is delivered to a purchaser or receiver thereof not the owner of such bottle, can, or receptacle for any purpose other than the holding therein of milk or cream.

No person, firm, or corporation shall, within the limits of Kansas City, return or deliver any such bottle, can, or receptacle which has been so used for purposes other than the holding of milk or cream to the owner of or claimant thereof, or permit such to be done, unless and until same has been disinfected and sterilized.

No person, firm, or corporation shall return or deliver to the owner or claimant thereof or to any other person any milk bottle, milk can, or other container used for containing or holding milk or cream from any house or premises where any contagious or infectious disease exists until and unless such bottle, can, or container shall have first been disinfected and sterilized.

SEC. 12. No person, firm, or corporation shall manufacture, sell, or offer or expose for sale, or have in possession for sale, or deliver or offer to deliver to another, any substitute for or imitation of milk or cream which has the appearance of fresh milk or cream; or any milk or cream which has been evaporated or otherwise processed in such manner as to change its form or appearance and which has thereafter been so processed, treated, or handled as to have the appearance of fresh milk or cream, unless same shall contain only the actual constituents of grade "A" milk or cream and conforms to the requirements of this ordinance as to proportions of solids and fats and as to the bacterial count required or permitted in such grade "A," and shall, in addition, have the words "homogenized milk" or "imitation milk" or "substituto milk" plainly printed on the container in which it is sold, offered, or exposed for sale, or delivered to the consumer.

The possession of any equipment, apparatus, or machine, adapted to or of a sort intended for the manufacturing or processing of any milk or cream or other substances of a kind or in a manner prohibited in this section shall constitute prima facie evidence that the person, firm, or corporation having such possession has same with intent to violate this ordinance, and that the milk or cream, or product or article having the appearance of milk or cream, sold, offered or exposed for sale, or had in possession for sale, or delivered or offered for delivery by such person, firm, or corporation was manufactured or processed by such person, firm or corporation, and that same was handled, sold, or offered or exposed for sale, or had in possession for sale, or delivered or offered for delivery, as the case may be, knowingly in violation of this ordinance.

SEC. 13. (a) Every person, firm, or corporation operating or maintaining a dairy, dairy farm or milk plant, or who offers or exposes for sale, or has in possession for sale, or delivers or offers for delivery, any milk or cream, within the limits of Kansas City, shall upon request therefor by the board of hospital and health, or its representatives or inspectors, or by the city chemist, then and there promptly furnish to the person making such request a sample of milk or cream, for the purpose of having same tested by the city chemist.

(b) Such samples may be taken by said board or its representatives or inspectors at any time.

Such samples shall be taken at least once a month, of the milk and cream produced or handled by the holder of each permit obtained under this ordinance, so long as such permit remains in force, and tests made thereof by the city chemist or his assistants as provided in this ordinance.

If at any time upon either the monthly or any other testing the milk or cream so tested fails to conform to the requirements of this ordinance as to the number or character of the bacteria permitted to be found therein, another sample or samples shall be so taken and tested in the same manner.

If upon such testing the milk or cream so tested shall again fail to conform to the requirements of this ordinance as to the number or character of the bacteria permitted to be found therein, said board shall have the dairy, dairy farm, or milk plant from which such milk or cream was taken or came reinspected and rescored in the manner provided in section 18 hereof.

Thereafter at least five such samples and tests thereof by the city chemist shall be taken and had within a period of not less than two weeks and not more than five weeks, and the result of at least four out of five such tests, agreeing in conformity or lack of conformity with the requirements of this ordinance, shall determine the rating or grade of the milk or cream, respectively (as to the matters so tested), of the dairy, dairy farm, or milk plant from which such samples came, and of the milk and cream produced, handled, or sold therein or therefrom.

The same method shall be followed in determining the rating or grade of milk and cream produced, handled, or sold in any dairy, dairy farm, or milk plant for which application for a permit under this ordinance is made, except as to the provisional permits provided for in section 18 of this ordinance; and such method shall also be followed in all cases where a permit holder shall apply to have his, their, or its permit cover a higher grade of milk or cream than it at the time allows.

The rating or grade so determined and established shall remain in effect until and unless a different rating or grade is thereafter determined in the manner hereinbefore provided.

SEC. 14. Whenever a sample of milk or cream shall be taken for the purpose of having the same tested by the city chemist as hereinbefore provided, it shall be the duty of the person taking such samples to at once seal same with a metal seal, and to then and there make a record of the time and place of taking such sample, and the name of the person so taking same, and from whom taken, and to then and there give to the person from whom such sample was taken a duplicate of such record, and as promptly as possible to deliver such sample to the city chemist for testing; and it shall be the duty of the city chemist, by himself or his assistants, to promptly make bacterial and other tests of all samples of milk or cream so delivered to him for the purpose of determining whether same conform to the requirements of this ordinance.

From the time of the taking of any such sample to the time of the delivery thereof to the city chemist and its examination and testing by him the temperature of such sample of milk or cream shall be kept at not more than 50 degrees Fahrenheit.

An accurate record shall be kept at the office of the city chemist of the time of delivery to him of all such samples of milk and cream, and of the time and place of taking same as reported to him by the person delivering same to him, and of the result of all tests thereof made by him or in his office.

It shall be the duty of the board of hospital and health, upon request therefor, to notify the person, firm, or corporation having the permit under which the sample of milk or cream so taken was being sold, handled, or delivered of the result of such test.

Such person, firm, or corporation, upon presentation to the board of hospital and health of the receipt of the city treasurer for the sum of \$2 paid for that purpose, may have notice mailed to him by said board of the result of all tests made by the city

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chemist of milk or cream from his or its dairy, dairy farm, or milk plant during the period of one year thereafter.

SEC. 15. Any milk or cream in the possession of any person, firm, or corporation for sale or delivery for human consumption, within the limits of Kansas City, which is adulterated, unwholesome, or unclean, or unfit for human food, or which in any respect fails to conform to the requirements of this ordinance, may be seized and held by the inspector or representative of the board of hospital and health, or by any police officer, and held subject to the lawful orders of said board; or in any such case, if such milk or cream is adulterated, unwholesome or unclean, or unfit for human food, same may be promptly then and there spilled on the ground, or be then and there treated by having rennin, or such other agent as may be or have been approved and directed by said board for such use, mixed therewith by an inspector or representative of said board or by any police officer, upon the request of such inspector or representative.

SEC. 16. No person, firm, or corporation shall within the limits of Kansas City sell, or offer or expose for sale, or have in possession for sale, or deliver or attempt to deliver or offer to deliver, any milk or cream, without having a permit therefor, issued by the board of hospital and health of Kansas City, Mo. Such permit, when issued, shall not be transferable, and shall be good for one year unless sooner revoked by said board, which is hereby given power and authority to issue and revoke such permits in conformity with this ordinance.

Any person, firm, or corporation desiring such a permit shall make application to said board for same, upon a form to be provided by said board, which shall contain the following:

1. The name and residence of the applicant, if an individual; or the name and residence of each member of the firm, if applicant is a firm; or the name and the State in which it was incorporated, if applicant is a corporation, together with the name and residence of the president and secretary, respectively, of such corporation.

2. If applicant has a dairy or dairies, the location of each of such dairies, the name of the person in charge of each, and the number of cows owned, used, or controlled by applicant at each such dairy.

3. If applicant maintains or operates a milk plant or place of business other than a dairy, the location of each such milk plant or place of business, with the street and number of same, and the name of the person in charge of each, with his residence, and the trade name under which milk or cream is handled or sold by such applicant.

4. The location of each of the dairies or milk plants from which applicant obtains milk or cream supplies, the name of the owner or owners thereof, and the number of cows owned, controlled, or used by each.

5. The grade of the milk or cream (as defined by this ordinance) which applicant proposes to handle or sell.

6. An agreement that said board, by its inspectors or representatives, may at any time enter and inspect the premises, and every part thereof, of each and every dairy, dairy farm, or milk plant owned, maintained, controlled, or operated by applicant, or from which applicant obtains any milk or cream, whether within or without the limits of Kansas City, and may at any time inspect the cows thereon or therein, or on or in any other premises or in any other herd of such applicant, wherever located, and all utensils, equipment, appliances, and conveyances on any such premises or used in connection therewith, or with the distribution of milk or cream produced or handled thereon or therein; and that such board may by its inspectors or representatives at any time take a sample or samples of milk or cream from any such premises or conveyance, without charge, for the purpose of having same tested by the city chemist as provided in this ordinance; and that if such right of entry or inspection, or the giving of such sample or samples, be refused, obstructed, or denied, the permit applied for by such applicant shall be refused, or if a permit has been or shall

thereafter be issued, that same shall be summarily revoked or suspended by said board.

7. An agreement that applicant will abide by and comply with this and all the ordinances of Kansas City, and with the lawful rules and regulations of said board in force at any time in respect to the production, handling, and distribution of milk and cream, and in respect to the maintenance and operation of dairies, dairy farms, and milk plants; and that any permit which may be issued upon such application, and every renewal or revival thereof, is held by applicant subject to the condition that all milk or cream handled, sold or offered or exposed for sale, or had in possession for sale, or delivered or offered for delivery, under authority or claimed authority of such permit, whether produced by applicant or by others, and whether produced within or without the limits of Kansas City, shall be produced and handled under the conditions of sanitation, cleanliness, and freedom from disease required by this ordinance or other ordinances of Kansas City in force for the time being in respect thereto, or required by the lawful rules and regulations of said board.

8. An agreement that every person, firm, or corporation acting under the authority of the permit which may be issued on such application, will at all times, upon demand, give accurate information to said board or its representatives on all matters concerning the equipment, methods, and management of any dairy, dairy farm, or milk plant owned, maintained, or operated by applicant, and of and concerning the source and disposition of all milk and cream handled, sold or offered for sale, or had in possession for sale, or delivered or offered for delivery, by such applicant or under the authority or claimed authority of such permit.

SEC. 17. The application for or acceptance of a permit, as provided for in the last preceding section by any person, firm, or corporation, shall constitute an acceptance of and a consent and agreement to all the terms and conditions in said section provided, whether same are actually set forth in any application signed or presented by such applicant or not, and shall also constitute a consent to all the other provisions and requirements of this ordinance.

SEC. 18. Upon application being made to the board of hospital and health for a permit as hereinbefore provided, said board shall as promptly as possible, by its inspectors or representative, inspect the premises and equipment referred to in such application or to be covered by such permit, and shall have tests made by the city chemist of samples, both as to bacteria and as to fats and solids, and shall obtain such further information as may be necessary to determine whether the provisions of this ordinance have been and are being complied with in good faith, and shall proceed to score such dairy, dairy farm, or milk plant as it is proposed to have covered by such proposed permit, according to the system of scoring shown and provided in the score cards promulgated by the United States Bureau of Animal Industry, which score cards are hereby adopted.

* * * * *

If, upon such inspection and the making of such tests, it appears that the provisions of this ordinance have been and are being complied with in good faith and that the milk and cream to be produced, handled, sold, or delivered by such applicant will comply with the requirements of this ordinance said board shall issue to such applicant a permit as hereinbefore referred to and provided for and not sooner, except as provided in the last paragraph of this section.

Such permit shall show the date when issued, the name of the person, firm, or corporation to whom it is issued, and the highest grade of milk or cream which may be sold, handled, or delivered under authority thereof, and shall state whether it is for a dairy or dairy farm or for a milk plant and the location thereof.

Such permit shall not take the place of or be in lieu of any license which may now be required to be obtained or may hereafter be so required, under any other law or ordinance.

When application shall be made for a permit for a dairy, dairy farm, or milk plant which at the time is just being established, so that the time necessary to make period-

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ical tests called for in section 13 hereof shall not have elapsed, the board shall make or cause to be made such inspection, scoring, and testing as the circumstances at the time permit, and if upon such inspection, scoring, and testing such dairy, dairy farm, or milk plant appears to be such as will comply with the requirements of this ordinance said board may issue a provisional permit, good only until it shall be possible for a scoring and rating to be made, as hereinbefore provided, and not to exceed 60 days; and it shall be the duty of said board to make a new scoring, testing, and rating in conformity with this ordinance, as promptly as possible. No such provisional permit shall be issued more than once to the same applicant or to cover the same dairy, dairy farm, or milk plant.

SEC. 19. Such permit shall be conspicuously posted in the office or other conspicuous place on the premises where such dairy or milk plant is maintained and operated.

SEC. 20. If, after obtaining any such permit, the holder thereof shall change his, its, or their source of supply for milk or cream, such holder shall report such change to said board within five days after making same; and in addition to or in the absence of the imposition of any fine or penalty therefor, failure to make such report shall be sufficient ground for the suspension or revocation of any such permit by said board, at its discretion.

SEC. 21. If at any time it shall be found by the board of hospital and health that the dairy or dairies owned, maintained, or operated by the holder of or applicant for a permit under this ordinance, or the dairy or dairies from which such holder or applicant obtains milk or cream, wholly or in part, whether owned, maintained, or operated by such holder or applicant or by others, and whether located in Kansas City or elsewhere, or the milk plant owned, maintained, or operated by such applicant or permit holder, covered or proposed to be covered by any such permit, wherever located, is in any respect insanitary, unclean, filthy, or diseased, or that the dairy herd from which any part of the milk or cream handled, sold, or delivered by such applicant or permit holder is diseased, or not cared for or fed or inspected in conformity with the requirements of this ordinance, or that the milk or cream for any such dairy, dairy farm, or milk plant covered by such permit or proposed to be covered by such permit, is adulterated, unwholesome, or misbranded, or is being handled in any unclean or insanitary manner, or that the provisions of this ordinance or the lawful rules and regulations of said board are not being complied with by such applicant or permit holder, or by any agent or employee of such applicant or permit holder, in the course of his said employment, then such permit, if not yet issued, shall be refused; or, if theretofore issued, such permit may, upon a hearing as herein provided, be summarily revoked.

In any such case where a permit has heretofore been issued and remains in force, the said board shall, upon discovery of any of the facts or conditions hereinbefore in this section mentioned, issue a notice to the holder of such permit to remedy or abate the conditions in question, and to appear before the board, on a day named in such notice, and show cause why such permit should not be revoked.

At any such hearing the board shall have power to compel the attendance of witnesses and the production of books, papers, or other evidence.

If the permit holder so notified shall fail to appear in accordance with said notice, or if upon such hearing the board shall find that such conditions have not been abated, or that the requirements of this ordinance or the agreements set out in section 16 hereof are not being complied with by the holder of such permit, then in such case said board shall at once revoke such permit.

SEC. 22. No person, firm, or corporation shall employ as manager, superintendent, or foreman, or in any equivalent position, in any dairy, dairy farm, or milk plant in which milk is produced, handled, or sold, or distributed for use or consumption in Kansas City, any person to whom a permit under this ordinance has been refused, or whose permit to sell or handle milk or cream under this or any other ordinance has at

any time been revoked, unless such person shall at the time of the issuance of a permit to the person, firm, or corporation employing him, or at the time of his employment if after the date of such permit, file with the board his personal agreement to conform to all the requirements of this ordinance in the course of his said employment.

Any violation of the requirements of this section by either employer or employee shall constitute sufficient ground for the refusal or revocation of a permit to or of such employer.

SEC. 23. All powers of inspection given to the board of hospital and health by the charter and ordinances of Kansas City may be exercised by said board through its officers, inspectors, or representatives outside the limits of Kansas City in all cases where consent thereto is had from the owner or person in charge of the place or premises to be inspected.

A refusal to give such consent by any such owner or person in charge shall be sufficient ground for said board to refuse, and it shall so refuse, to grant or continue in force a permit, as provided in this ordinance, to any person, firm, or corporation selling, offering for sale, delivering, or handling milk or cream from such place or premises.

SEC. 24. If any person, firm, or corporation shall obstruct, refuse, or deny any lawful inspection of his, their, or its dairy, milk plant, or premises, or the cows or equipment thereof within the limits of Kansas City, by said board or its representatives, such obstruction, refusal, or denial shall be sufficient ground for the refusal or revocation of a permit to such person, firm, or corporation, and it shall be the duty of the board to so refuse or revoke such permit in such case.

Any person, firm, or corporation so obstructing, refusing, or denying any such lawful inspection shall be guilty of a misdemeanor and be punished as hereinafter provided.

SEC. 25. The tuberculin test called for and referred to in the score card shown in section 18 of this ordinance shall be made by a veterinarian designated or approved by the board of hospital and health, or by an officer of the United States or of the State where such tests are made whose duty it may be to make such tests, at least once a year, and the result of such tests shall be filed with the board within 10 days after being made.

All cows which react to such test shall be at once removed from the herd and kept isolated, and no milk or cream from any such cow shall be sold or offered for sale.

No new cow shall be added to any herd from which milk or cream is being obtained for sale or delivery in Kansas City until and unless it shall upon a physical examination by such veterinarian be found free from disease and a certificate to that effect shall have been filed with said board.

Failure to comply with the provisions of this section shall make it the duty of the board to refuse or revoke a permit to the person, firm, or corporation owning or having the cow or herd in which such violation occurred.

All tests and examinations provided for in this section shall be made without cost to Kansas City.

SEC. 26. Milk or cream shall not be handled, stored, or kept in any stable, nor in any room which is used for sleeping, dressing, or toilet purposes, or which has direct communication with any such room, nor in any room where sickness exists or which is occupied by a sick person, nor in any room which has been exposed to any contagious or infectious disease until such room has been thoroughly and properly disinfected, nor in any room or place which is in any respect unclean or insanitary.

No person having active tuberculosis, leprosy, open sores, infected eyes, open cancer, or open skin disease of the hands, face, neck, or head, or any venereal disease, or any other infectious or contagious disease, or who is a carrier of any such disease, shall be employed in or about any dairy or milk plant, or shall enter or be permitted to enter any room in any dairy or milk plant where milk or cream is being drawn from the cow, or handled, processed, poured, or bottled.

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SEC. 27. Milk and cream of every grade and quality intended for human consumption shall at all times during transportation be in such container, and be so protected, that such milk and cream may be preserved at the temperature and in the wholesome and sanitary condition required by this ordinance.

All milk and cream, of every grade and quality, intended for human consumption shall at all times be so handled, kept, stored, transported, or subjected to any process of bottling, pasteurizing, skimming, or other process permitted by law as to thoroughly and effectively protect such milk and cream from flies, dust, rust, dirt, and all other foreign substances.

Milk or cream shall not be mixed, prepared, poured, or transferred from one container to another in the street or in a vehicle or any railway depot or platform; and the distribution of milk or cream into cans or containers for delivery shall be done at the milk depot or dairy of the person, firm, or corporation having the permit under which such milk or cream is being handled.

Milk or cream for delivery in bulk shall be transported only in covered pouring cans approved by the board of hospital and health. Milk or cream shall in no case be dipped or poured from farmers' cans or stock cans for delivery to the consumer.

SEC. 28. Any dairy, dairy farm, or milk plant within the limits of Kansas City which is insanitary or unclean, or is in direct proximity to and in communication with premises which are insanitary or unclean, or any dairy, dairy farm, or milk plant in which the milk or cream therein produced, handled, processed, pasteurized, bottled, sold, kept, or offered for sale or delivery, is subjected to or exposed to flies, dust, dirt, filth, or insanitary conditions of any sort whereby such milk or cream may become contaminated or made injurious to health, or made the cause, or capable of being the cause, of disease or the spread of disease, is hereby declared to be a nuisance, which may be abated in the manner provided in section 8 of article 14 of the charter of Kansas City.

SEC. 29. It shall be the duty of the board of hospital and health and it shall have the power to adopt uniform rules and regulations for the purpose of effectuating this ordinance and for the effective exercise of the powers and duties imposed on said board by the charter and ordinances of Kansas City.

Said board shall from time to time have such rules and regulations, together with this ordinance, or on separate sheets, printed and shall at all times keep on hand a sufficient number of copies thereof to supply anyone desiring same with a copy.

SEC. 30. It shall be the duty of the board of hospital and health, from time to time, to issue and distribute to all persons desiring same, and to mail to each holder of a permit under this ordinance, bulletins or letters on the subject of dairy management, the handling and distribution of milk and cream, and other matters covered by this ordinance as occasion may arise, and all new rules and regulations made by said board as herein provided, for the purpose of aid and encouragement in the production and distribution of a proper, healthy, and sufficient supply of milk and cream in Kansas City.

SEC. 31. It shall be the duty of the board of hospital and health to make reports from time to time, and not less frequently than once a week if occasion exists to the city counselor of Kansas City, of all violations of this ordinance which may come to the notice of said board; and to prepare and furnish all the evidence which exists in the case which is within the knowledge of said board or its representatives.

SEC. 32. Any person, firm, or corporation who shall, directly or indirectly, give or offer any money, property, gratuity or reward, or any promise, undertaking, or security therefor, to any person in the service or employ of Kansas City, having directly or indirectly any duties in respect to the enforcement of this ordinance, or provided for therein, with the intent to influence such person in the performance of his duties, or to induce him to neglect or omit the performance of any duty in connection therewith, shall be guilty of a misdemeanor, and upon conviction be punished by a fine

of not less than \$25 nor more than \$500; and in addition to such fine shall have any permit theretofore issued to him or it under this ordinance immediately revoked, or if an application for such a permit is pending, same shall be refused.

SEC. 33. This ordinance shall be construed as having been enacted under the police powers of Kansas City, and in furtherance thereof, and as such it shall be liberally construed for the effectuating of its purposes. The various provisions of this ordinance shall not be construed as interdependent.

SEC. 34. The health commissioner and the inspector of food and his deputies, and whoever may at any time be for the time being performing the duties of such officers, in the course of their employment as such, are hereby declared to be the inspectors and representatives of the board of hospital and health within the meaning of this ordinance.

SEC. 35. (a) Each applicant for a permit under this ordinance shall pay for each city milk plant or dairy owned, maintained, or operated by such applicant within the limits of Kansas City, an inspection fee of \$5; and in addition to such fee of \$5 shall pay or cause to be paid an inspection fee of \$2 for each additional dairy or dairy farm from which the applicant obtains or proposes to obtain any supply of grade "A" or grade "B" milk or cream.

(b) Each applicant for a permit under this ordinance shall pay for each milk plant, dairy, or dairy farm owned, maintained, or operated by such applicant outside the limits of Kansas City, Mo., from or in which such applicant obtains or proposes to obtain, sell, or handle grade "A" or grade "B" milk or cream under authority of such permit an inspection fee of \$5, and in addition to such fee of \$5 shall pay or cause to be paid an inspection fee of \$2 for each additional dairy or dairy farm from which such applicant obtains or proposes to obtain any supply of grade "A" or grade "B" milk or cream.

(c) All fees provided for in this ordinance shall be paid to the city treasurer of Kansas City, Mo., and his receipt therefor shall be exhibited to the board of hospital and health at the time of application for the permit or inspection for which such payment was made.

SEC. 36. Any person, firm, or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$10 nor more than \$200 for the first offense.

Any person, firm, or corporation who shall a second time be convicted of having violated any of the provisions of this ordinance, if such offense was committed within a period of six months from the date of such first conviction, shall for such second offense be fined not less than \$25 nor more than \$300.

Any person, firm, or corporation who shall a third time be convicted of having violated any of the provisions of this ordinance, if such third offense was committed within six months from the date of such second conviction, or within a year from the date of such first conviction, shall be fined for such third offense not less than \$100 nor more than \$500.

SEC. 37. This ordinance shall take effect 30 days after its approval by the mayor: *Provided*, That all permits now in force which were issued under any existing ordinance governing the sale of milk shall remain in force according to the terms thereof for not longer than 120 days from the date of such approval, unless sooner revoked by said board for reasons provided in this ordinance, other than the failure to obtain a permit as provided herein.

SEC. 38. Ordinance No. 6546, approved November 16, 1910, entitled "An ordinance providing for the registration and licensing of milk and cream dealers and fixing a penalty for the violation thereof," and section 788 of the revised ordinances of Kansas City, and all ordinances or parts of ordinances in conflict with this ordinance in so far as they so conflict are hereby repealed.